



**Attorney General  
Betty D. Montgomery**

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May 28, 1998

*Via Overnight Mail*

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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Re: *In the Matter of Performance  
Measurements and Reporting  
Requirements for Operations  
Support Systems, Interconnection,  
and Operator Services and  
Directory Assistance, CC Docket  
No. 98-56, RM-9101*

Dear Mr. Kennard:

Enclosed please find the original and twelve copies of the Comments of the Public Utilities Commission of Ohio in the above-referenced matter. Please return a time-stamped copy to me in the enclosed stamped, self-addressed envelope.

Thank you for your assistance in this matter.

Respectfully submitted,

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STN/kja  
Enclosure

cc: International Transcription Services, Inc.  
Janice Myles, Common Carrier Bureau

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter	)	
	)	
Performance Measurements and	)	
Reporting Requirements	)	CC Docket No. 98-56
for Operations Support Systems,	)	RM-9101
Interconnection, and Operator Services	)	
and Directory Assistance	)	
	)	

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**COMMENTS OF THE PUBLIC UTILITIES COMMISSION OF OHIO AND THE  
STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**I. INTRODUCTION AND BACKGROUND**

The Public Utilities Commission of Ohio (Ohio Commission) and the Staff of the Public Utilities Commission of Ohio (Ohio Staff) hereby submit their bifurcated comments pursuant to the Federal Communications Commission's (FCC's) April 17, 1998, Notice of Proposed Rulemaking (NPRM) in CC Docket No. 98-56 (In the Matter of Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance). The FCC's NPRM in this investigation proposes a methodology by which to analyze whether new providers of local telephone service are able to access the support functions of incumbent local exchange carriers (ILECs) in a nondiscriminatory and just and reasonable manner consistent with the requirements of the Telecommunications Act of 1996 (1996 Act). Specifically, Congress required ILECs to

make available to competitive local exchange carriers (CLECs), in a nondiscriminatory and just and reasonable manner, the services and facilities they use to provide retail services to their own customers.

The FCC maintains that these standards are intended to be non-binding on States. The FCC indicates that the establishment of model performance measurements and reporting requirements will promote the goal of efficient and effective communication between competing carriers and ILECs, while also reducing the need for regulatory oversight. The FCC also believes that performance measurements and reporting requirements will incent ILECs to comply with the statutory nondiscrimination and just and reasonable requirements, because competing carriers will have access to information detailing the ILECs' performance.

The Ohio Commission adopts a two-pronged, or bifurcated, approach to filing comments in this proceeding. The Ohio Commission itself provides comments on the overall merits of the FCC's proceeding, while the Ohio Commission's Staff provides its input on the specific performance measurements and reporting requirements proposed by the FCC. Comments in response to the FCC's April 17, 1998, NPRM are due at the FCC on or before June 1, 1998.

## **II. DISCUSSION**

### **A. Ohio Commission's Comments**

The FCC indicates that the primary focus of this proceeding is to develop performance measurements and reporting requirements on the ILECs' operation support systems (OSS) functions in an attempt to ensure efficient and effective

communications between retail service providers (or CLECs) and the wholesale service providers (or ILECs). OSS refers to the computer systems, databases, and personnel that incumbent carriers rely upon to execute many internal functions necessary to provide service. Second, the FCC concentrates on developing performance measurements for carrier-to-carrier interconnection services, since a CLEC's ability to compete is reliant upon its ability to interconnect its network with the incumbent carrier's network. Congress required incumbent local carriers to provide a level of interconnection to competing carriers that is indistinguishable, and at least equal in quality, to that provided to itself. Last, the FCC proposes that model performance measurements be developed for operator services and directory assistance (OS/DA) that are available to competing carriers on an unbundled basis. The FCC submits that OS/DA are essential to competing carriers and their customers, and must be provided by the ILEC on a nondiscriminatory basis.

The Ohio Commission is supportive of the FCC's development of model performance measurement and reporting requirements for the ILECs.<sup>1</sup> In a competitive environment in which the new carriers will be reliant upon the ILECs to provide access to operational support systems which will permit the CLECs to operate at parity with the ILECs, it is imperative that meaningful and adequate performance measurements and reporting requirements be implemented

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<sup>1</sup> The FCC has expressly decided to avoid any jurisdictional conflict in this NPRM by concluding that the OSS performance measurements produced will not be legally binding on the States, but will serve as guidance to the States. NPRM at ¶ 23. In light of that fact, and because the FCC strongly encourages parties to focus on the substantive standards (NPRM at ¶ 25), the Ohio Commission will refrain from advancing any jurisdictional arguments at this time. The Ohio Commission does, however, fully reserve its right to raise jurisdictional issues in the future, to the extent that becomes necessary.

by the states. By putting together a comprehensive proposal which touches upon all aspects of the ILECs' OSS functionality which will be utilized by the new carriers, the FCC has set forth a framework which will prove extremely helpful for those states which have already initiated their investigations and implementations of such requirements, as well as those states which are anticipating such actions. This proceeding has provided a much needed forum in which the FCC can set forth model requirements which the states can then, in turn, build upon in developing their own set of performance measurements and reporting requirements.

The Ohio Commission views the implementation of efficient and adequate operational support systems between the ILECs and the CLECs to be essential in the establishment of a competitive market. Like the FCC, it is our hope that the establishment and enforcement of performance measurements and reporting requirements will incent the ILECs to comply with their statutory obligations to provide support functions in a non-discriminatory, and just and reasonable manner consistent with the obligations of the 1996 Act. To the extent that the FCC's establishment of model measurements and reporting will act as an incentive and will bring us one step closer to effective competition in both the residential and commercial markets, we are supportive of the FCC's endeavor.

Attached to these comments for the FCC's review are the Ohio Minimum Telephone Service Standards governing local carriers' provision of service to their end user customers, adopted by the Ohio Commission on June 26, 1997 in Case No. 96-1175-TP-ORD. While, as noted above, these standards apply to local carriers' provision of service to end users and not carrier-to-carrier services, the FCC may

want to consider various measurement criteria that the Ohio Commission has employed. Moreover, the Ohio Commission respectfully requests that the FCC, in developing its model carrier-to-carrier standards, is mindful not to adopt criteria that will potentially conflict with our rules that are already in place.

**B. Ohio Staff's Comments**

**1. Geographic Level of Reporting**

The FCC seeks comment on the appropriate geographic level of reporting. In particular the FCC seeks comments on whether carriers should report data for each performance measurement based on state boundaries, LATAs, metropolitan statistical areas (MSAs), or some other relevant geographic area. Further, the FCC seeks comment on whether a uniform geographic level of reporting should apply to all performance measurements, or whether it would be appropriate to require different levels of reporting for separate measurements. NPRM at Paragraph 38.

The Ohio Staff strongly believes that, the more localized the geographic level of reporting is, the more ability there is to determine whether a carrier is operating in a discriminatory manner in a given market. However, we are also aware that the costs of extensive reporting requirements could outweigh the benefits. Therefore, it becomes necessary to determine at what level of geographic reporting does the incremental benefit of better awareness of discriminatory practices fail to exceed the additional costs imposed on the reporting carrier and, consequently, on the end users.

The Ohio Staff believes that reporting on a LATA level is a reasonable balance between the cost of reporting and the benefit of controlling discriminatory practices.

The Ohio Staff did consider the more granular MSA level reporting, but found two concerns. First, the MSA boundary does not typically represent any type of telecommunications boundary. MSAs generally (with several exceptions in the New England states) follow county lines. LECs' networks cross county lines. The Ohio Staff is unaware of any ILECs or CLECs in Ohio which do any monitoring or record keeping on a county or MSA basis. Consequently, it is our belief that introducing a currently unrecognized boundary would generate significant costs to establish the proposed measurements and reporting processes. The second concern with MSA level reporting is that many counties are not in defined MSAs. In Ohio today, this would mean that some counties where we currently have competitive local entry would not be represented in the measurement reports.

The Ohio Staff also considered state level reporting, but we generally believe that state level reporting would allow for so much aggregation that some discriminatory practices in the more competitive local markets might be masked when combined with the data from the less competitive markets.

LATA level reporting seems to address the concerns associated with inherent MSA and state level reporting. LATAs are a current geographic delineation that LECs recognize and utilize. LATAs cover every area, as opposed to MSAs which cover only certain counties. Finally, LATAs offer a reasonable balance between overly aggregated and unrevealing statewide level reporting and the much smaller and more burdensome (though also more revealing) MSA or rate center level reporting.

The FCC also sought comment on whether a uniform geographic level of reporting should apply to all performance measurements, or whether it would be appropriate to require different levels of reporting for separate measurements. The Ohio Staff recognizes that some LECs may handle some of the functions being measured at differing levels within the corporate structure. For example, we are aware that Ameritech handles some of its OSS responsibilities from a regional service center for its five state RBOC region. It may, in the future, be appropriate to allow the reporting of certain measurements at differing levels. Given the importance of OSS, interconnection, and OS/DA for the successful establishment and growth of competition, however, we believe it is important to require all reporting to be done at the LATA level, at least, until such time as experience can dictate that certain measurements could be reported on a larger geographic level without significant threat to competition. It is our goal to constantly monitor and streamline the reporting process whenever and wherever possible.

## **2. Scope of Reporting**

The FCC sought comment on their proposed levels of disaggregation and whether such levels would permit competing carriers to detect discrimination. NPRM at Paragraph 39. The Ohio Staff strongly supports the FCC's tentative conclusion that an ILEC should report separately on its performance as provided to: (1) its own retail customers; (2) any of its affiliates; (3) competing carriers in the aggregate; and (4) individual competing carriers. The Ohio Staff further agrees with the FCC's tentative conclusion that such reporting will enable competing carriers to



assess whether an ILEC is providing access to OSS, interconnection, and OS/DA in a non-discriminatory manner.

Reports are only as good as the information that can be gleaned from the data contained in the reports. Discriminatory market practices serve to reduce or deny competition as well as service innovations and customer choice. There are two types of discrimination that must be prevented. One is when a carrier provides better performance to its own retail customers and corporate affiliates than it does to competing carriers. The second type of discrimination is where a carrier provides performance levels which are unequal among competing carriers.

The FCC's proposed level of reporting disaggregation will permit the detection of both types of discrimination. Reports on an ILEC's performance it provides to its own retail customers, corporate affiliates and interconnected CLECs in the aggregate will allow CLECs to determine that the ILEC is providing service that is, at least, equal in quality to that provided to the ILEC itself. The proposed requirement to report on the performance provided to individual carriers is the measurement tool that will enable the detection of discriminatory practices between various competing carriers.

### **3. Pre-Ordering Measurements**

The FCC recognizes that there may be instances where an ILEC does not provide access to certain pre-ordering sub-functions on a real time basis, but rather by batch files (*e.g.*, street address verification). The FCC seeks comment on whether ILECs should exclude those pre-ordering sub-functions that are not provided on a real time basis from measurement, or whether there are alternative methods to

detect possible discriminatory access. NPRM at Paragraph 44. Simply because access to a function is provided on a batch basis does not exclude the ability of the ILEC to discriminate in the provision of that access. Consequently, the Ohio Staff believes that there should not be any exclusion for ILEC pre-ordering sub-functions that are not provided on a real time basis. The information should be reported whether on a real time basis or batch files.

The FCC seeks comment on whether an ILEC should measure the speed by which it provides rejected query notices to competing carriers as well as to itself. In addition, the FCC seeks comment on whether a rejected query notice measurement must be provided as a separate category for the pre-ordering function in general or, alternatively, disaggregated separately for each pre-ordering sub-function. Finally, the FCC seeks comment on whether ILECs should measure the number of rejected query notices as a percentage of the total number of pre-ordering queries. NPRM at Paragraph 45.

The Ohio Staff believes that the ILEC should measure the speed by which it provides rejected query notices to competing carriers as well as to itself. That is the only way to ensure fair and equal treatment. The rejected query notice should be a separate category for the pre-ordering function in general, as this would allow the information to be found more easily. The rejected number of query notices should be measured as an actual number of the total number of pre-ordering queries instead of a percentage. This would provide a true representation of the information.

#### **4. Disaggregation of Ordering and Provisioning Measurements**

The FCC seeks comment on the thirteen measurement categories set forth in Appendix A. Specifically, the FCC seeks comment regarding the appropriate levels of disaggregation for ordering and provisioning measurements and repair and maintenance measurements. Further, the FCC seeks comment on whether the proposed measurement categories appropriately balance the reporting burden on ILECs with the need to produce meaningful measurement results. Specifically, the FCC seeks comment on whether different or fewer levels of disaggregation would sufficiently detect instances of discrimination, but would impose less reporting burdens on ILECs. Finally, the FCC seeks comments on whether the thirteen categories are appropriate and whether these categories would disaggregate the data sufficiently to allow the detection of discrimination or if fewer levels of disaggregation would still provide sufficient information, but impose less reporting burden on ILECs. NPRM at Paragraphs 46, 47, and 48.

Like the FCC, the Ohio Staff believes that a certain level of disaggregation is necessary in order to obtain meaningful results that control discriminatory practices and ensure fair and equal treatment. We further agree that the proposed thirteen measurement categories would sufficiently provide reliable information and at the same time would balance the FCC's goal of detecting instances of discriminatory practices with its goal of minimizing, to the extent possible, costly reporting burdens imposed on the ILECs.

The Ohio Staff also agrees with and supports the FCC's attempts to minimize the reporting burden imposed on the ILECs, while ensuring that the reporting

measurements provide a reliable indication of an ILEC's compliance with the statutory requirements. Though we recognize the potential burden that may be imposed on the ILEC, we strongly believe that during the migration to a competitive environment, the benefits of producing reliable and meaningful measurements and data to detect occurrences of potential discrimination greatly outweigh the cost of such an undertaking by the ILECs. Therefore, we agree that the proposed reporting measurements categories do reflect a middle ground and provide a reasonable balance between the reporting burden on the ILECs and the compilation of meaningful measurement results.

The Ohio Staff supports the proposed measurement categories and the FCC's attempt to separately group the measurement results that are likely to vary due to differences in order complexity or provisioning order mechanisms. We believe these categories and the FCC's proposed level of disaggregation will provide sufficient data to allow the detection of discriminatory practice. Fewer levels may not provide sufficient measurement results to distinguish meaningful differences in ordering and provisioning resulting from discrimination. Further, we believe that any greater level of disaggregation would be overly burdensome on the ILECs thereby upsetting the balance of the FCC's goal to detect discrimination while minimizing, to the extent possible, the reporting burdens on the ILECs.

The FCC seeks comment on the proposed levels of disaggregation for unbundled network elements and whether the unbundled loop category should be further disaggregated between 2-wire loops and all other loop types. NPRM at Paragraph 50. The Ohio Staff agrees with the proposed levels of disaggregation for

UNEs and the level of disaggregation for unbundled loops as proposed. We have considered a greater disaggregation by loop type (*i.e.*, 2-wire, 4-wire, ISDN, etc.). We acknowledged that the provisioning of some loop types require certain additional conditioning which in some cases requires different labor functions on behalf of the incumbent and perhaps even the CLEC. We believe, however, that the difference is not substantial. Therefore, the pre-ordering, ordering, provisioning, maintenance and repair, and billing functions which are the target of measurement should not be substantially different.

The FCC proposes to include interconnection trunks as a separate measurement category. NPRM at Paragraph 51. The Ohio Staff believes interconnection trunks should be listed as a separate category, since they are unique and are used for the transmission of traffic between two networks. A separate category makes it easier to assess the performance of the interconnection trunks versus the performance of common trunks. If interconnection trunks experience more blockages than the common trunks, this may be an indication that the ILEC is not providing service on a non-discriminatory basis.

#### **5. Order Completion Measurements**

The FCC seeks comment on whether the proposed measurement for the average completion interval is sufficient or whether greater or lesser detail is necessary. NPRM at Paragraph 53. The Ohio Staff believes that greater detail is necessary (*i.e.*, the use of actual figures instead of the use of percentages.) The use of percentages allows an ILEC to mask poor performance and/or discriminatory practices.

## **6. Average Interval for Held Orders**

Whereas, certain ILECs had indicated a willingness to provide a measurement of the percentage of held orders due to the lack of facilities, the FCC proposed a broader measurement of the percentage of all uncompleted or held orders with passed dues dates. The FCC tentatively concluded that the broader measurement will be more useful because it will capture all instances when an order is not completed. The FCC sought comment on this tentative conclusion. NPRM at Paragraph 67.

The PUCO Staff supports the FCC's tentative conclusion that ILECs should measure and report the percentages of all uncompleted or held orders, not just those due to lack of facilities. However, we do believe it is also important that the reasons for missed orders be reported as well. A report encompassing all held orders and identifying the number of held orders in a few major categories would be very useful. Recently, the Ohio Staff has heard explanations of held orders including, lack of facilities, severe weather, lack of personnel, and errors in CLEC submission of orders. We have encountered certain anecdotal evidence which suggests explanations of held orders do not always ring true. An all encompassing and categorical reporting of these measurements might help to highlight any discriminatory practices.

## **7. Installation Troubles Reporting**

The FCC seeks comment on whether it is appropriate to measure percentage troubles on a "per order" basis. It seeks comment on whether tracking troubles on a per order basis might mask a higher number of troubles for larger orders. NPRM at

Paragraph 70. The Ohio Staff believes that tracking trouble on a "per circuit" or "per element" basis would be more useful than a "per order" basis. We believe that tracking troubles on a per order basis might camouflage a higher number of troubles, especially for large orders that may have multiple circuits or elements. In order to give the trouble reports the proper weight, we believe it would be appropriate to measure percentage troubles on a per circuit basis for resale orders and a per element basis for unbundled network element orders.

#### **8. Ordering Quality Measurements - Order Rejections**

The FCC proposes that the ILEC must report on the percentage of rejected orders. The FCC also concludes that this measurement must be reported to the same level of disaggregation as the order flow through measurement. NPRM at Paragraphs 75 and 76. The Ohio Staff agrees that this measurement will gauge the number of orders that are likely to be rejected at the gateway and the number that require manual processing. The Ohio Staff maintains that the ILECs should record how many resubmissions it takes to get an order accepted. The FCC is correct that it may be an indication of the lack of information or training being provided to CLECs on how to place orders.

#### **9. Repair and Maintenance Measurements**

The FCC concludes that ILECs must provide repair and maintenance measurements, as listed in Appendix A: (1) Average Time to Restore; (2) Frequency or Troubles in a 30-day period; (3) Frequency of Repeat Troubles in a 30-day period; and (4) Percentage of Customer Troubles Resolved within the Estimated time. NPRM at Paragraphs 81 through 85. The Ohio Staff agrees with the FCC, that all

measurements in Appendix A should be provided. These measurements are not overly burdensome to the ILEC. ILECs already track this information for their own internal measurements.

The FCC seeks comment on whether most carriers use the disposition and cause categories proposed by Local Competition Users Group (LCUG) and whether such a breakdown is useful for the repair and maintenance measurements. NPRM at Paragraph 86. The Ohio Staff believes that the disposition and cause categories proposed by LCUG are useful for repair and maintenance measurements. The Ohio Staff currently tracks some of these measurements.

The FCC seeks comment on whether the following trouble reports should be excluded from the measurements: 1) Trouble reports canceled by the competing carrier. 2) ILEC trouble reports associated with the internal or administrative use of local service 3) Instances where a customer requests that tickets be held open for monitoring. NPRM at Paragraph 87.

The Ohio Staff agrees with the FCC's proposed above-listed measurement exclusions. The Ohio Staff notes that any exclusions must be made unequivocal so as to prevent any misinterpretations or gaming of the system. The Ohio Staff does not recommend any exclusions other than those listed above.

#### **10. General Measurements**

The FCC tentatively concludes that an ILEC must measure the percentage of time its electronic interfaces for each OSS function are actually operational as compared to scheduled availability, as noted in Appendix A. NPRM at Paragraph 91. The Ohio Staff agrees that it's important to measure actual system operations



versus scheduled system availability because this measurement will assist in determining whether the ILEC provides nondiscriminatory access to its electronic interfaces.

The FCC proposes that ILECs measure average answer time for calls from competing carriers. NPRM at Paragraph 92. Ohio Staff agrees with the FCC that delays in contacting an ILEC's service center can cause delays in a carrier's ability to serve its customers.

The FCC concludes that ILECs must provide separate measurement results to competing carriers that use dedicated trunks to access the ILEC's OS/DA database or operators. NPRM at Paragraph 94. The Ohio Staff agrees with the FCC that ILECs must provide separate measurement results to competing carriers that use dedicated trunks to access the ILEC's OS/DA database or operators. The capability is already in place, therefore, no additional hardship is caused to the ILEC.

#### **11. Interconnection Measurements**

The FCC tentatively concludes that ILECs measure trunk blockage on interconnection trunk groups and common trunk groups. NPRM at Paragraph 97. The Ohio Staff believes that assessing the performance of both types of trunk groups will ensure that the ILEC is providing nondiscriminatory service.

#### **12. Reporting Procedures**

The FCC seeks comment on whether ILEC measurement results should be protected from disclosure to non-requesting competing carriers or to the general public. NPRM at Paragraph 111. The Ohio Staff maintains that CLEC specific raw data should not be publicly disclosed. However, ILECs should be required to retain

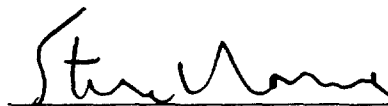
this data for approximately three years and states should be able to gain access to this data directly through a request to the ILEC. Data reported as a percentage should be publicly filed as it does not reveal count-specific data.

## **CONCLUSION**

In closing, the Ohio Commission and the Ohio Commission Staff wish to thank the FCC for the opportunity to file comments in this proceeding.

Respectfully submitted,

**Betty D. Montgomery**  
Attorney General

A handwritten signature in black ink, appearing to read "Steven Nourse", is written over a horizontal line.

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# MTSS

## Minimum Telephone Service Standards

### IMPORTANT NOTE:

The attached rules must be read in conjunction with the Commission's Orders of June 26, 1997 and September 11, 1997. In particular, the Entry on Rehearing of September 11, 1997 clarified, waived, or suspended several of the rules contained in the attached.

MINIMUM TELEPHONE SERVICE STANDARDS

4901:1-5-01	GENERAL PROVISIONS
4901:1-5-02	DEFINITIONS
4901:1-5-03	RECORDS AND REPORTS
4901:1-5-04	FILING AND MINIMUM CONTENT REQUIREMENTS FOR LOCAL EXCHANGE CARRIER TARIFFS
4901:1-5-05	SUBSCRIBER COMPLAINTS AND COMPLAINT- HANDLING PROCEDURES
4901:1-5-06	CONSUMER SAFEGUARDS AND INFORMATION
4901:1-5-07	BUSINESS OFFICES
4901:1-5-08	PAY PHONE SERVICE
4901:1-5-09	<u>LEC</u> REQUIRED SERVICE OFFERINGS
4901:1-5-10	DIRECTORY ASSISTANCE
4901:1-5-11	OPERATOR SERVICES
4901:1-5-12	INTERCEPT SERVICE
4901:1-5-13	BUSY LINE VERIFICATION
4901:1-5-14	ESTABLISHMENT OF SERVICE
4901:1-5-15	RESIDENTIAL SERVICE GUARANTORS
4901:1-5-16	SUBSCRIBER BILLS
4901:1-5-17	ACCOUNT SERVICING CHARGES
4901:1-5-18	SUBSCRIBER BILLING ADJUSTMENTS FOR LOCAL EXCHANGE SERVICE
4901:1-5-19	DENIAL OR DISCONNECTION OF LOCAL EXCHANGE AND INTEREXCHANGE SERVICE
4901:1-5-20	<u>LEC</u> DATA COLLECTION AND TRAFFIC MEASURING EQUIPMENT
4901:1-5-21	CONSTRUCTION, MAINTENANCE OF PLANT AND EQUIPMENT, AND INTERRUPTIONS OF LOCAL EXCHANGE SERVICE
4901:1-5-22	EMERGENCY OPERATION
4901:1-5-23	TRAFFIC AND TRANSMISSION REQUIREMENTS.
4901:1-5-24	MINIMUM SERVICE, QUALITY AND ADEQUACY OF SERVICE LEVELS FOR LOCAL EXCHANGE COMPANIES
4901:1-5-25	INTERIM RULE: TROUBLE REPORTS, SERVICE LEVELS, AND BILLING ADJUSTMENTS

APPENDIX A

APPENDIX B

4901:1-5-01 GENERAL PROVISIONS.

- (A) THE RULES CONTAINED IN THIS CHAPTER ARE APPLICABLE ONLY TO LOCAL EXCHANGE CARRIERS (LECS) UNLESS SPECIFICALLY STATED OTHERWISE. TO THE EXTENT THESE RULES ARE APPLICABLE TO A LOCAL EXCHANGE CARRIER OR ANY OTHER TELECOMMUNICATION CARRIER, THEY SHALL GOVERN ALL REGULATED INTRASTATE TELECOMMUNICATION SERVICE, WHETHER OR NOT THE SERVICE IS PERFORMED BY THE TELECOMMUNICATIONS CARRIER ITSELF OR BY AN UNDERLYING CARRIER UNDER CONTRACT.
- (B) NOTHING CONTAINED HEREIN SHALL IN ANY WAY PRECLUDE THE COMMISSION FROM ANY OF THE FOLLOWING:
  - (1) ALTERING OR AMENDING, IN WHOLE OR IN PART, THE RULES IN THIS CHAPTER THROUGH PERIODIC REVIEWS;
  - (2) PRESCRIBING DIFFERENT STANDARDS FOR THE RENDERING OF TELECOMMUNICATIONS SERVICE AS DEEMED NECESSARY BY THE COMMISSION IN ANY PROCEEDING; OR
  - (3) WAIVING ANY REQUIREMENT OF THE RULES IN THIS CHAPTER FOR GOOD CAUSE SHOWN OR UPON ITS OWN MOTION.
- (C) NOTHING CONTAINED HEREIN SHALL IN ANY WAY PRECLUDE THE COMMISSION FROM REQUIRING THE FURNISHING OF ANY OTHER OR ADDITIONAL SERVICE(S), EQUIPMENT, OR FACILITIES AFFECTING TOLL OR LOCAL EXCHANGE SERVICE UPON ANY OF THE FOLLOWING:
  - (1) THE COMMISSION'S OWN MOTION;
  - (2) A SUBSCRIBER COMPLAINT; OR

- (3) THE APPLICATION OF ANY TELECOMMUNICATIONS CARRIER.
- (D) IF UNREASONABLE HARDSHIP TO A TELECOMMUNICATIONS CARRIER OR TO A SUBSCRIBER RESULTS FROM THE APPLICATION OF ANY RULE HEREIN, AN APPLICATION MAY BE MADE TO THE COMMISSION FOR THE TEMPORARY OR PERMANENT EXEMPTION FROM ANY RULE(S). SUCH APPLICATION SHOULD BE ACCOMPANIED WITH A MEMORANDA SUPPORTING SUCH REQUEST.
- (E) NOTHING CONTAINED HEREIN SHALL RELIEVE ANY TELECOMMUNICATIONS CARRIER FROM EITHER OF THE FOLLOWING:
- (1) PROVIDING ADEQUATE SERVICE OR FACILITIES AS PRESCRIBED BY THE COMMISSION; OR
  - (2) MEETING ANY OF ITS DUTIES OR RESPONSIBILITIES AS PRESCRIBED BY THIS CHAPTER OR BY THE LAWS OF THE STATE OF OHIO AND THE FEDERAL TELECOMMUNICATIONS ACT OF 1934, AS AMENDED BY THE TELECOMMUNICATIONS ACT OF 1996.
- (F) FAILURE BY A TELECOMMUNICATIONS CARRIER SUBJECT TO THE JURISDICTION OF THE COMMISSION TO MEET ANY OF ITS DUTIES OR RESPONSIBILITIES AS PRESCRIBED BY THESE MINIMUM TELEPHONE SERVICE STANDARDS OR BY THE LAWS OF THE STATE OF OHIO OR BY THE FEDERAL TELECOMMUNICATIONS ACT OF 1934, AS AMENDED BY THE TELECOMMUNICATIONS ACT OF 1996, DOES NOT IN AND OF ITSELF CONSTITUTE INADEQUATE SERVICE ON THE PART OF THE COMPANY WITHOUT A HEARING AND A COMMISSION DETERMINATION OF SAME.
- (G) IF A NEW ENTRANT CARRIER DOES NOT COMPLY WITH THE REQUIREMENTS OF RULE 4901:1-1-5-24 OF THE ADMINISTRATIVE CODE, AND SUCH NON-COMPLIANCE BY THE NEW ENTRANT CARRIER:

- (1) RESULTS IN THE PAYMENT OF A CUSTOMER CREDIT OR WAIVER OF CHARGES AS REQUIRED BY RULE 4901:1-5-18 OF THE ADMINISTRATIVE CODE, AND
- (2) RESULTS FROM A FAILURE OF UNDERLYING LOCAL EXCHANGE CARRIER TO PROVIDE ADEQUATE SUPPORT INVOLVING A SERVICE THE LOCAL EXCHANGE CARRIER HAS CONTRACTED TO PROVIDE THE NEW ENTRANT CARRIER.

THEN THE NEW ENTRANT CARRIER SHALL HAVE RECOURSE TO THE LOCAL EXCHANGE CARRIER FOR THE AMOUNT OF SUCH CREDIT OR WAIVER AS REQUIRED BY APPLICABLE PROVISIONS OF RULE 4901:1-1-5-18 OF THE ADMINISTRATIVE CODE.

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Case No.: 96-1175-TP-ORD

Replaces: 4901:1-5-01

Effective: July 7, 1997

Certification

\_\_\_\_\_  
Daisy L. Crockron, Acting Secretary

\_\_\_\_\_  
Date

Promulgated under R.C. Sec. 111.15

Authorized by R.C. Sec. 4905.231

Rule amplifies R.C. Sec. 4905.231

Prior effective date(s) 12/31/88, 10/17/77



4901:1-5-02 DEFINITIONS.

(A) AS USED WITHIN THESE STANDARDS, THESE TERMS DENOTE THE FOLLOWING:

(1) ACCESS LINE

THE FACILITIES THAT PROVIDE ACCESS TO LOCAL AND TOLL SWITCHED NETWORKS AND THAT ARE LOCATED BETWEEN A SUBSCRIBER'S PREMISES AND A SERVING SWITCHING CENTER. AN ACCESS LINE MAY BE A DISCRETE ENTITY, SUCH AS A WIRE PAIR OR A CHANNEL IN A MULTIPLEX SYSTEM.

(2) ACTS OF GOD

AN OCCURRENCE NOT PREVENTABLE BY REASONABLE CARE, SKILL OR FORESIGHT; BUT RESULTING FROM UNFORESEEABLE AND UNUSUAL NATURAL CAUSES.

(3) APPLICANT

ANY PERSON, FIRM, PARTNERSHIP, CORPORATION, MUNICIPALITY, COOPERATIVE ORGANIZATION, GOVERNMENTAL AGENCY, ETC., WHICH APPLIES FOR TELECOMMUNICATIONS SERVICE, AND WILL BE RESPONSIBLE FOR THE PAYMENT OF CHARGES AND COMPLIANCE WITH THE RULES AND REGULATIONS OF THE TELECOMMUNICATIONS CARRIER.

(4) APPLICATION

CUSTOMER REQUESTS MADE VERBALLY OR IN WRITING FOR TELECOMMUNICATIONS SERVICE, INCLUDING A REQUEST FOR CHANGES IN EXISTING SERVICE.